

Entered - 07-09-01 - sb  
CL 01L0424 - GWENDOLYN BURNS

CLAIM OF: THOMAS S. LOCKHART  
3092 Delmar Lane, NW  
Atlanta, Georgia 30311

01-R-1395

For property damages alleged to have been sustained as a result of a  
sewer back up on June 14, 2001 at 3092 Delmar Lane, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the  
action of the Department of Law be approved in authorizing payment  
to THOMAS S. LOCKHART the sum of \$760.00 in full settlement  
and satisfaction of all claims, past, present and future, of every kind and  
character for property damages alleged to have been sustained as a  
result of a sewer back up on June 14, 2001 at 3092 Delmar Lane, NW  
as is more particularly set forth in the within claim; said sum taken from  
and charged to account 2J01/529017/T31001, Settlement of Suits and  
Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

# DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0424

Date: August 23, 2001

Claimant /Victim THOMAS S. LOCKHART  
 BY: (Atty) (Ins. Co.) \_\_\_\_\_  
 Address: 3092Delmar Lane, NW, Atlanta, Georgia 30311  
 Subrogation: \_\_\_\_\_ Claim for Property damage \$ 760.00 Bodily Injury \$ \_\_\_\_\_  
 Date of Notice: 7/9/01 Method: Written, Proper X Improper \_\_\_\_\_  
 Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) X  
 Date of Occurrence 6/14/01 Place: 3092Delmar Lane,NW  
 Department PUBLIC WORKS Division Sewer Operations  
 Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant sustained property damages to his residence from a sanitary sewer back up. An investigation determined that the City was on notice of said sewer problem at this location, but failed to correct it.

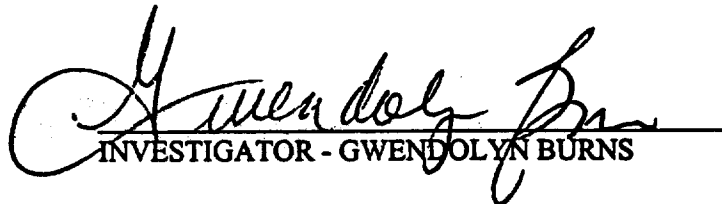
## INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

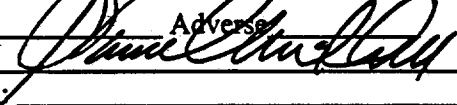
## BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
 Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
 City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
 Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
 Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
 INVESTIGATOR - GWENDOLYN BURNS

## RECOMMENDATION:

Pay \$ 760.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
 Claims Manager:  Concur/date 10-22-01  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

BURNS  
02109107  
RE: CLAIM FOR DAMAGES

Today's Date: 6-18-01

ENTERED - 7-9-01 -SB  
01L0424 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 760 proper  
and/or \$ MA bodily injury for which I contend the City is liable.

1. Date of incident: 6-14-01 2. Time of Incident: 7:30/8:30 3. Police called: Yes ☒ No

4. Location of incident (including street address): 3092 Delmar Ln

5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_

6. State what and how incident occurred: Flooded my basement, back-up  
sewerline. It was hard rain on 6-14-01 I knew  
that cause it. I call it in, A crew came out about  
12:30/1:20 fixed the sewerline out in the street the water was  
dam

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL  
RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and  
proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by  
State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE  
INFORMATION IS TRUE AND CORRECT.

Thomas S. Lockhart  
Signature of Claimant

Thomas S. Lockhart  
(Print Claimant's Name)

3092 Delmar Ln NW  
(Address)

Atlanta, Georgia 30311  
(City, State and Zip Code)

404/472-9663  
(Work Number) (Home Number)

**GENERAL RELEASE AND INDEMNIFICATION**

**CLAIM NUMBER** 01L0424

**\$** 760.00

IN CONSIDERATION of the sum of SEVEN HUNDRED SIXTY DOLLARS AND 00/100s DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a property damage incident - sewer back up which occurred on or about the 14th day of June, 2001, at or near 3092 Delmar Lane, NW.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

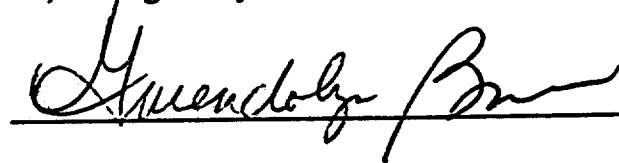
And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 23 day of 8, 20 01.

 (LS)  
Thomas Stacey Lockhart

\_\_\_\_ (LS)

The above release was read and explained to, and signed by the said Thomas Stacey Lockhart in our presence on the date above written.



\_\_\_\_\_  
WITNESSES